

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *AC* D.C.
05 JUL 14 PM 1:39

UNITED STATES OF AMERICA,) THOMAS M. GOULD
Plaintiff,) CLERK, U.S. DISTRICT COURT
v.) WD OF TN MEMPHIS
STATE OF TENNESSEE, ET AL.,)
Defendants, and) NO.: 92-2062-D/A
PEOPLE FIRST OF)
TENNESSEE, ET AL.,)
Intervenors,)
PARENT-GUARDIAN ASSOCIATION)
OF ARLINGTON DEVELOPMENTAL)
CENTER,)
Intervenors.)

**ORDER GRANTING MOTION TO ALLOW TEMPORARY PLACEMENT OF
JEFFREY C. IN A SKILLED NURSING FACILITY**

Before the Court is the motion of Defendant State of Tennessee to allow for the temporary placement of Arlington Developmental Center class member Jeffrey C. in a skilled nursing facility. Since September 2004, Jeffrey C. has been in Baptist East Hospital (“Baptist”). Jeffrey C. has made significant improvements; however, he remains fragile and requires 24-hour licensed nursing supports to attend to his needs.

Baptist has told Defendant and Community Services Network (“CSN”) that Jeffrey C. is

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 7/15/05

2026

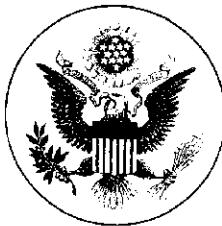
medically stable and ready for discharge. Although Jeffrey C.'s family wants him to live in a specialized medical model home, Defendant is unable to place him in such a home at this time. Defendant asserts that such a home will be available to Jeffrey C. within 120 days of the entry of this order. Given the lack of appropriate housing for Jeffrey C., Defendant, CSN, and Jeffery C.'s family believe that an interim placement in a skilled nursing facility is necessary. The Court agrees that such a placement is warranted. Accordingly, the Court grants Defendant's motion and orders Jeffrey C. moved to Kirby Pines Manor, a facility capable of meeting Jeffrey C.'s needs in the interim.

Defendant has 120 days from the entry of this order within which to prepare the appropriate housing for Jeffrey C. Thereafter, should such housing not be available, Defendant shall be fined \$1,000 per day until Jeffrey C. is properly rehoused. During Jeffrey C.'s 120 day stay, Defendant shall provide the Court Monitor and the parties with monthly reports regarding Jeffrey C.'s status, including the status of the development of his community placement and transition into the community.

IT IS SO ORDERED this 14th day of July, 2005.



BERNICE BOUIE DONALD
UNITED STATES DISTRICT COURT



Notice of Distribution

This notice confirms a copy of the document docketed as number 2026 in case 2:92-CV-02062 was distributed by fax, mail, or direct printing on July 15, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT